

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

DONALD GRAHAM,

*Plaintiff,*

- against -

RICHARD PRINCE, GAGOSIAN GALLERY,  
INC. and LAWRENCE GAGOSIAN,

*Defendants.*

Case No. 1:15-cv-10160-SHS

**NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT BY  
GAGOSIAN GALLERY, INC. AND LAURENCE GAGOSIAN**

**PLEASE TAKE NOTICE** that Defendants Gagosian Gallery, Inc. and Laurence Gagosian (the “Gagosian Defendants”) will move the Honorable Judge Sidney H. Stein, on October 5, 2018, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure for partial summary judgment upon the following materials:


- (i) Defendants Gagosian Gallery, Inc. and Laurence Gagosian’s Memorandum of Law in Support of Their Motion for Partial Summary Judgment;
- (ii) Declaration of Tracy O. Appleton, Esq. in Support of Defendants Gagosian Gallery, Inc. and Laurence Gagosian’s Memorandum of Law in Support of Their Motion for Partial Summary Judgment, and the attached exhibits;
- (iii) The Gagosian Defendants’ Rule 56.1 Statement of Uncontroverted Material Facts;
- (iv) All other pertinent pleadings, papers, and documents of record in this case.

The Gagosian Defendants will ask the Court to grant a partial summary judgment in its favor and dismiss with prejudice Plaintiff’s claim to damages in the form of indirect profits.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to prior Order of this Court (Dkt. 110), any papers in opposition are due to be served on counsel for Defendants on or before November 9, 2018.

Dated: New York, New York  
October 5, 2018

By:

  
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